

**Committee Report**

<b>Application No:</b>	<b>DC/21/00430/COU</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>13 April 2021</b>
<b>Applicant</b>	<b>Mr Ryan Beaumont</b>
<b>Site:</b>	<b>Stoneygate View Sunderland Road Gateshead NE10 0NS</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Conversion of dwelling (Use Class C3) to 8-bed HMO (Sui Generis) including erection of two-storey rear extension (additional information received 17/05/21).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:****1.1 DESCRIPTION OF THE SITE**

The site is an existing three-bedroom, semi-detached dwelling. The property sits at a higher land level than the footpath to the north and has a relatively small sloping front garden. The property has a larger rear curtilage, this area can be accessed through the property or via a side access path.

1.2 The property is constructed in stone and slate, with a single bay window at ground floor level. As a result of a slight land level changes, the roof line of the properties is staggered with the application site sitting at a slightly lower land level than their neighbour to the west.

1.3 The dwelling fronts onto Sunderland Road (B1426), beyond this is an area currently under redevelopment for commercial purposes (DC/19/00476/FUL). There are allotment gardens located to the south of the application site, an electrical substation to the east and the dwellings attached neighbour to the west. The area would be described as mixed-use owing to the commercial uses on Sunderland Road and the allotment gardens, electrical substation, and public house within close proximity to the site.

1.4 Car parking is permitted directly outside the property on Sunderland Road, between the hours of 1800 and 0900.

**1.5 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for the change of use of a three-bedroom dwellinghouse (Use Class C3) to an eight-bedroom HMO (Sui Generis).

1.6 In terms of external alterations, the application proposes the erection of a two-storey rear extension and the increase in size of a rear ground floor

window. The application also proposes internal alterations to facilitate the change of use. The extension is proposed to supplement the communal living accommodation at ground floor and provide an ensuite bedroom at first floor.

1.7 It is proposed that there would be three en-suite bedrooms, a living room and kitchen/dining area on the ground floor and five en-suite bedrooms on the first floor. Further alterations are proposed to ensure compliance with Building Regulations and fire safety, such as installing smoke alarms.

1.8 **RELEVANT PLANNING HISTORY**  
There is no relevant planning history for the application site.

## **2.0 Consultation Responses:**

Northumbria Police                      Comments provided

## **3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in The Town and Country Planning (Development Management Procedure) Order 2015.

3.2 Seven letters of objection have been received and are summarised as follows;

- The proposed development cannot provide parking and would exacerbate existing issues;
- MSGP policies would require the provision of cycle parking;
- The proposed development would result in drainage issues;
- The proposal would lead to an increase in noise and disturbance;
- The proposed development would not meet NDSS;
- A number of bedrooms would be overshadowed by the proposed extension;
- The proposal would result in the loss of a family home;
- The proposed development would lead to an unacceptable impact on privacy;
- The proposed use would result in the creation of additional odour;
- The proposed development would not have space for refuse and recycling storage; and
- The proposed development has the potential to attract 'anti-social behaviour and crime & criminality'.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

## **5.0 Assessment:**

- 5.1 The key issues to be considered in the determination of this planning application are considered to be principle of the development, design, residential amenity, and highway safety.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**  
Policy CS9(1) seeks to maintain a range of housing types and sizes throughout the plan area.
- 5.3 Policy CS9(4) seeks to prevent the loss of family homes, through sub-division, change of use or redevelopment and to prevent an over concentration of shared accommodation.
- 5.4 Policy CS9(5) seeks to prevent an over concentration of shared accommodation.
- 5.5 In addition, paragraph 10.11 of the CSUCP states that shared accommodation (including houses in multiple occupation) forms a very significant and valuable part of the private rented sector. It provides market housing to meet the needs of a variety of people whom, for one reason or another, either do not wish to or are unable to live in mainstream housing, in either the owner occupied or the social rented sector. However, high concentrations of shared accommodation can create problems in terms of environmental quality and residential amenity.
- 5.6 Whilst the proposed development would conflict with the aims of policy CS9(4) insofar that a family home would be lost, the change of use would still provide an alternative form of living accommodation and therefore there would be no overall loss of housing stock within the Borough.

- 5.7 In terms of whether an over concentration of shared accommodation would occur under Policy CS9(5), the Council do not have an explicit figure which is considered a threshold. However, 2011 census data shows that within the Pelaw and Heworth ward, 11.1% of households within the ward were privately rented which is below the average of 12.5% in Gateshead.
- 5.8 Information provided by the Council's Private Sector Housing team shows that there are no licensed HMOs in the immediate vicinity.
- 5.9 Furthermore, when taken alongside the representations received, the views of local residents supports the conclusion that the predominant type of residential accommodation in the area is family housing and therefore it is not considered that an overconcentration of shared accommodation would occur as a result of the proposal. This view is reached while also having regard to approved application DC/21/00075/COU, which proposed a seven-bedroom house in multiple occupation at Oakwood, St Marys Terrace, Heworth.
- 5.10 Taking into account the above, it is considered that, whilst the proposed development would result in the loss of a family home, the application would go some way towards providing a range of housing types in a highly sustainable location. Therefore, on balance, it is considered that the proposed development would be acceptable in principle, provided all other material planning considerations are satisfied.
- 5.11 VISUAL AMENITY  
The application proposes the erection of a two-storey rear extension and alteration to a single ground floor rear window, the front elevation of the property would remain unaltered. It is considered that the scale and design of the extension as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials would be required (Condition 3). It is considered that the development is in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.12 RESIDENTIAL AMENITY  
Policy CS14 aims to maintain and improve the health and wellbeing of communities.
- 5.13 Policy MSGP17 states development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. Planning permission will be granted for new development where it:
- does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
  - safeguards the enjoyment of light, outlook and privacy; and
  - ensures a high quality of design and amenity

- 5.14 Existing Occupants  
Several objections raise concerns with increased noise, disturbance, odour and refuse along with loss of privacy and overdevelopment.
- 5.15 The proposed development would increase the number of bedrooms within the property by five, the most noticeable changes would be on the ground floor with three additional bedrooms being created. The applications shows all of the bedrooms as double rooms which could be occupied by up to two people, given an overall potential occupancy of 16.
- 5.16 The lawful use of the application property is a C3 dwellinghouse. The use of a property as a HMO is often markedly different from occupation as a family home. Although some tenants may be more considerate than others, the general level of activity associated to a HMO and transient nature of HMO occupants, who are likely to lead separate, individual lives, is significantly greater than a typical family house and therefore increases the potential for noise and disturbance.
- 5.17 In this case, officers consider that the movements of a group of up to 16 people with independent lifestyles would cause a material increase in comings and goings to the property over and above a C3 dwelling - and that the associated noise and disturbance would cause undue harm to the living conditions of the residents of surrounding properties. It is considered this harm would be compounded by the additional comings and goings of non-tenants including a greater increase in visitors to the house.
- 5.18 National Planning Practice Guidance advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.19 It is recommended that a condition be attached which restricts the number of residents to a maximum of eight (Condition 4).
- 5.20 The proposal does not include any specific proposals to reduce noise transmitted from the HMO to the adjoining properties with shared walls. The potential impact of the development on the occupiers of neighbouring properties may be intensified by the presence of a single communal kitchen/dining area for up to eight residents and any additional visitors. This may result in noise transference between the internal shared walls with the attached neighbouring property and increased odour and cooking smells. However, it should be noted that matters of noise transference e.g. between rooms internally i.e. bedrooms and communal areas but also between the party wall would be considered and addressed through Building Regulations.
- 5.21 No objection to the application has been made by Environmental Health Officers. Further, the submitted management statement states that the property would be managed in accordance with the Council's HMO licensing policies, including a policy for dealing with anti-social behaviour.

- 5.22 The police have provided comments stating that further information is needed on how the property would be managed, the location and arrangements for parking, and who the likely occupants would be. In terms of ensuring fire safety and property management including refuse collection, these issues would be covered by the HMO license which the landlord will need to apply for outside of the planning system. The potential occupants of the HMO would not be a material planning consideration. The parking arrangements are assessed in the proceeding section of this report
- 5.23 In terms of ensuring the new bedrooms are updated and enjoy the same isolation from common area noise as other bedrooms do, as well as more appropriate internal acoustics (i.e. appropriate reverberation times, double glazing if necessary) for the occupant to enjoy the use of the amenity space and to sleep, this would be covered by Building Regulations.
- 5.24 In terms of securing further sound-proofing by condition, the applicant could change the use of the dwellinghouse to a HMO for up to 6 residents under Class L, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015, without needing planning permission. Taking into account this fall-back position and considering the recommended condition restricting the number of occupants to eight, it is considered that, on balance, requiring further details of sound proofing would not be reasonable as any additional noise created would not be significant.
- 5.25 With regards to privacy, it is considered that the proposed two-storey rear extension has been designed so not in result in any additional overlooking and/or overbearing impact. It is considered that the proposed extension would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy.
- 5.26 Taking into account the above, it is considered that, subject to a condition restricting the number of residents and a condition requiring the submission of a management plan (Conditions 6 and 7), the proposal would not result in material harm to neighbouring properties in the form of loss of privacy, increased noise, disturbance, odour or refuse.
- 5.27 Future Occupants  
It is considered that the proposed development provides an adequate level of communal space for eight occupiers in the form of a kitchen/diner and a separate living room.
- 5.28 With regards to bedrooms, each bedroom would be a double and would benefit from a private en-suite. It is considered that, taking into account a condition limiting the number of residents, each bedroom would be of an acceptable size to accommodate the living and sleeping requirements of one occupant and exceeds that required under Licence regulations. Each bedroom would benefit from at least one window to provide adequate light and ventilation into the room.

- 5.29 In summary, officers are of the opinion that through the imposition of a condition limiting the number of residents to eight and subject to a management plan, the intensive use of the property would be addressed thereby mitigating any material harm to the living conditions of both the existing occupants of neighbouring residential properties and future occupants of the HMO. As such, the proposal, on balance, is considered acceptable and would comply with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.30 **HIGHWAY SAFETY**  
The maximum car parking provision expected for houses in multiple occupation is one space per five residents, plus one space per five residents for visitors. A property of this size could easily generate two or more cars under the existing residential use. Therefore, any uplift in vehicles is not expected to be significant and any additional demand for car parking could be accommodated.
- 5.31 The existing property has no on-site parking, however car parking is permitted directly outside on Sunderland Road, between the hours of 6pm and 9am. There is also scope to park along Holly Hill and elsewhere, subject to restrictions. The site is very sustainable in travel terms with good access to public transport, being within walking distance of Heworth's transport interchange.
- 5.32 Final details of secure and weatherproof cycle parking can be secured via condition which can be accommodated within the rear yard area (conditions 5 and 6).
- 5.33 Taking into account the above, it is considered that the proposed development would be acceptable and would comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.34 **OTHER MATTERS**  
A representation received raises concerns over the impact of the change of use on drainage.
- 5.35 Environmental Health officers have housing, public health related, and 'detrimental to the area' related powers which can be used if a detrimental impact on residents occurs in the future. These powers can require work to be undertaken should drainage be found to be insufficient, should refuse be allowed to accumulate or there to be pest infestations, or if the condition of the property is found to be so poor that it is detrimental to the amenity of the area.
- 5.36 In terms of HMO licensing, a license is required for an HMO occupied by 5 or more people. The licensing process allows for control over the number of people that can be safely accommodated within the property, and the provision of amenities e.g. the number of WCs and sizes of rooms. Mandatory conditions of a HMO license also require effective management of issues relating to waste disposal from the property, and the installation and maintenance of fire safety precautions. Building Regulations also covers fire safety.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Site Locations Plan

PI150 - Proposed Site Layout

PL125 - Proposed Floor Plan

PL100 - Existing Plans and Location

PL135 - Existing Elevations

PL130 - Proposed Elevations

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number PL130 - Proposed Elevations.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The premises shall only be used as a house in multiple occupation for a maximum of eight residents.

Reason

In the interests of protecting residential amenity of existing and future residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5

None of the rooms hereby approved shall be occupied until final details of secure and weatherproof cycle storage shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

6

None of the rooms hereby approved shall be occupied until the details approved under condition 5 have been implemented wholly in accordance with the approved details. The cycle parking provision shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

7

Prior to the first use of development hereby approved, details of a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the property will be managed to minimise impact on neighbouring occupiers and shall include parking arrangements and refuse collection.

Reason

In the interests of residential amenity and to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

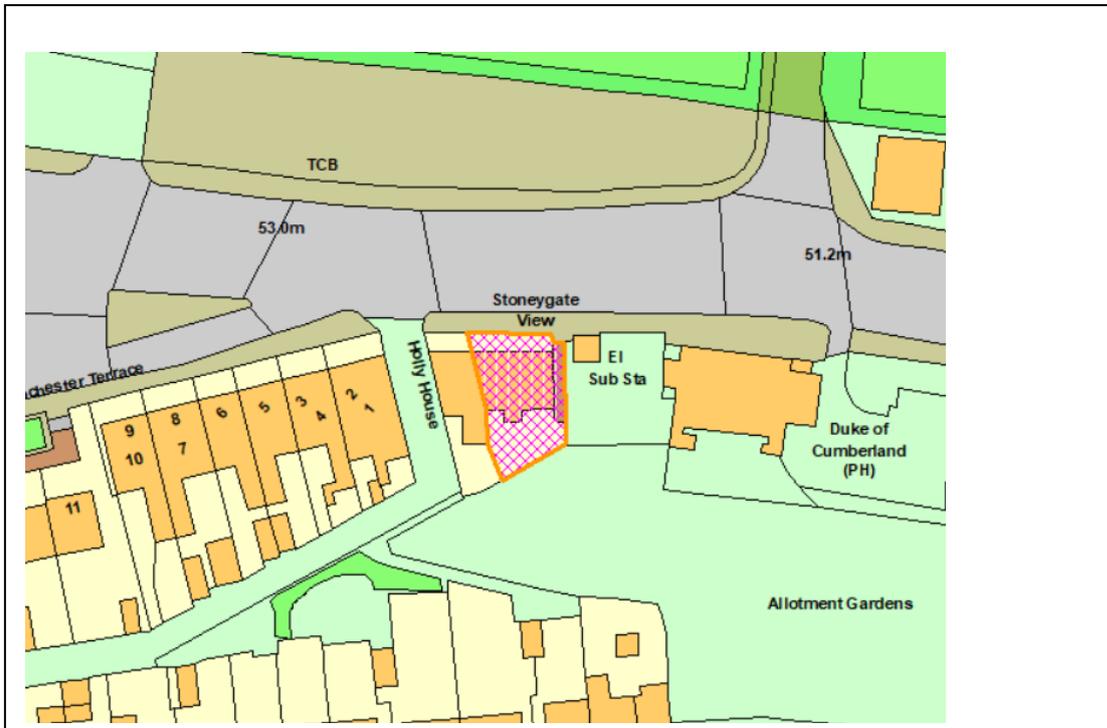
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The development hereby approved shall be managed in complete accordance with the approved Management Plan under condition 7.

Reason

To ensure that measures and operating policies are in place to protect the residential amenity of nearby properties in accordance with the

NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.



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